

### REMARKS

This application has been reviewed in light of the Office Action dated August 23, 2006. Claims 3-7 and 10 are presented for examination, of which Claims 3 and 10 are in independent form. Claims 3, 4, 6, 7 and 10 have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is respectfully requested.

In that Office Action, Claims 3-7 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,980,231 (Ohsawa).

The Examiner points out that Claim 3 did not recite “acquiring partial spectral distribution data”, at page 3 of the Office Action. The independent claims have been amended to make this feature explicit. Applicants still believe that Claim 3 is allowable over *Ohsawa* at least because nothing in that patent would teach or suggest estimation of spectral distribution data of the total wavelength region by acquiring the partial spectral distribution data of the total wavelength region, by acquiring the partial spectral distribution data of the object in accordance with acquired color data, as recited in Claim 3.

Claim 10 is a corresponding method claim, and 10 is also deemed to be allowable over *Ohsawa* for at least the same reason.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 3, and are therefore believed patentable for the same reasons. Since each dependent

claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/

Leonard P. Diana  
Attorney for Applicants  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 613787v1